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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,956	01/22/2001	Shoichi Kiyomoto	47225	1364

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EXAMINER

FIELDS, COURTNEY D

ART UNIT PAPER NUMBER

2137

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,956

Applicant(s)

KIYOMOTO, SHOICHI

Examiner

Courtney D. Fields

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-4 have been cancelled.
2. Claims 5-11 are pending.

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection, Tomko (U.S. Patent No. 5,790,668).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomko (U.S. Patent No. 5,790,668). As per 5, Tomko discloses a method of securely transmitting comprising the steps of providing information to be transmitted from a first person to a second person, obtaining a sender fingerprint of the first person and a receiver fingerprint of a second person, each fingerprint having ridge endings and bifurcations (collectively called "minutia), identifying a first configuration and a second configuration, each configuration respectively comprising positions of a plurality of the ridge endings and bifurcations (collectively called "minutia) in a planar system of coordinates superimposed onto the sender fingerprint and the receiver fingerprint, the first person using the first configuration to create a first encoding key to encrypt the information thereby forming a first cryptogram, the first person delivering the first

encoding key to a key control system independent of the first person and the second person, the second person using the second configuration to create a second encoding key, the second person delivering the second encoding key to the key control system, the first person transmitting the first cryptogram to the key control system, the key control system decrypting the first cryptogram using the first encoding key as a decoding key to obtain a copy of the information, the key control system encrypting the copy using the second encoding key as an encoding key and thereby forming a second cryptogram, the key control system transmitting the second cryptogram to the second person, and the second person decrypting the second cryptogram using the second encoding key as an decoding key in Column 3, lines 52-67, Column 4, lines 1-7, lines 52-67, Column 5, lines 1-67, Column 6, lines 1-25.

As per claim 6, Tomko discloses the claimed limitation wherein before transmitting the first cryptogram to the key control system over a first route of transmission comprises the first person authenticating that the first route of transmission is secure from tampering in Column 4, lines 23-51.

As per claim 7, Tomko discloses the claimed limitation wherein authenticating step comprises returning the first encoding key from the key control system to the first person and comparing the returned first encoding key with the first encoding key which had been delivered to the key control system by the first person in Column 5, lines 6-31.

As per claim 8, Tomko discloses the claimed limitation wherein before transmitting the second cryptogram to the second person over a second route of transmission

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comprises the second person authenticating that the second route of transmission is secure from tampering in Column 5, lines 2-5, 32-42.

As per claim 9, Tomko discloses the claimed limitation wherein authenticating step comprises returning the second encoding key from the key control system to the second person and comparing the returned second encoding key with the second encoding key which had been delivered to the key control system by the second person in Column 5, lines 42-67, Column 6, lines 1-6.

As per claim 10, Tomko discloses the claimed limitation wherein the step of the key control system storing the first encoding key and the second encoding key in separate digital storage media in Column 4, lines 54-62.

As per claim 11, Tomko discloses the claimed limitation wherein the separate digital storage media include a non-rewritable electrical circuit in Column 3, lines 13-20.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cdf

March 24, 2005



**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**